THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): (a) to (c) According to the information received from the National Human Rights Commission, 191 deaths took place in police custody in the country during the year 1997. The number of deaths in police custody during the current year (from January, 1998 to May, 1998) was 67.

2. "Police" is a State subject as per the Constitution of India. The investigation of cases and interrogation of suspects involved therein is primarily done by the State Police agencies. It is essentially the responsibility of the State Governments to ensure that their police personnel do not resort to human rights violations during interrogation. The Union Government has been issuing guidelines to the State Governments, from time to time, to the effect that their police personnel should conduct themselves in a humane manner and that cases of police excesses should be taken serious note of and dealt with promptly and firmly. Human rights as a subject has also been included in the training curricula of police personnel.

Converting INS Vikrant into a Maritime Museum

*306. SHRI SANJAY NIRUPAM: Will the Minister of DEFENCE be pleased to state:

(a) whether Government of Maharashtra has sent a proposal to the Central Government to convert INS Vikrant into a maritime museum; and

(b) if so, the details of the proposal and the response of Government thereto?

THE MINISTER OF DEFENCE (SHRI GEORGE FERNANDES): (a) Yes Sir.

(b) The proposal as submitted by Government of Maharashtra is estimated to cost Rs. 76 crores. The proposal comprises of two main parts, condonation of Rs. 18 Crores being scrap value of the ship by Government of India, and approval of the Mumbai Port Trust for locational clearance for grouting the ship. Both these issues are under active consideration of Government of India.

Guidelines for freedom fighters' pension

*307. SHRI R. MARGABANDU: Will the Minister of HOME AFFAIRS be pleased to refer to the answer given to Starred Question 103 alongwith the supplementaries in the Rajya Sabha on the 3rd June, 1998, and state:

(a) the guidelines for sanction of freedom fighters pension before and after 31st March, 1982; and

(b) how many applications are pending from Tamil Nadu and the reasons for the same?

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): (a) *Gudelines for sanction of freedom fighers' pension before and after 31st March, 1982:*

I. *Before 31.3.1982 i.e. under the Swatantrata Sainik Samman Pension Scheme, 1980.*

The Swatantrata Sainik Samman Pension Scheme, 1980 provides for grant of pension to living freedom fighters, their families if they (Freedom Fighters) are no more alive and to the families of martyrs. The eligibility conditions for grant of Samman Pension under this Scheme are as under:—

(a) A person who has suffered a minimum imprisonment of six months in the mainland jails before Independence. However, ex-INA or ex-Military personnel will be eligible for pension if the imprisonment/detention suffered by them was outside India.

(b) A person who remained underground fox six months or more provided he was (i) a proclaimed offender; or (ii) one on whom an award for arrest/head was announced; or (iii) one whose detention order was issued but not served.

(c) A person who was interned in his home or externed from his district under the orders of the competent authority for six months or more.

(d) A person whose properly was confiscated or attached and sold due to participation in the national Freedom Struggle under the orders of the competent authority.

(e) A person who permanently incapacitated during firing or lathi charge.

(f) A person who lost his Government job (Central or State Government, including job in local bodies) and thus deprived means of livelihood for participation in the National Freedom Struggle.

II. *After 31.3.1982:*

No substantial changes were effected in he Scheme after 31.3.1982 except for the ollowing:—

(a) A person who was awarded punishment of 10 strokes of caning/flogging/whipping was treated as eligible for sanction of Samman Pension.

(b) In the case of SC/ST and women freedom fighters the minimum period of actual imprisonment for eligibility of pension was reduced from six months to three months.

(c) A person who was sentenced for imprisonment for six months or more, but was released prematurely on account of general amnesty and not on account of tendering apology or furnishing a bond or undertaking for good behaviour was treated as eligible for pension.

(d) Voluntary underground suffering or self-exile, suffering for party work under the command of the party leader were treated as not eligible for grant of pension.

(e) Suffering of freedom fighters who had participated in the struggle for liberation and merger of the erstwhile Nizam State of Hyderabad in 1947-48 from camps set up in the border areas was treated at par with underground suffering against executive action and recognised for the purpose of grant of Samman Pension.

(f) Members of Rani of Jhansi Regiment of the Indian National Army were considered eligible for grant of Samman Pension as it was for the first time in the history of the freedom movement that women in large numbers went into battle against the regular British Army setting an unique example of selfless sacrifice.

(b) At present no fresh application is pending from Tamil Nadu for grant of freedom fighters' pension.

Amendment of Article 356

*308. SHRI DEBABRATA BISWAS: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government have received any representation from political leaders and/or various interested groups and NGOs for substantative modifcations in article 356 of the Constitution;

(b) if so, the details thereof and Government's reaction thereto; and

(c) if not, whether Government would like to bring forward a bill, suo moto, to amend this much maligned article?

THE MINISTER OF HOME AFFAIRS (SHRI L.K. ADVANI): (a) to (c) The Government is aware of the demands for the amendment as also for the abolition of article 356 of the Constitution of India. The Sarkaria Commission on Centre-State Relations had also made a number of recommendations in order to prevent the misuse of the said article. These recommendations were discussed in the meetings of the Standing Committee of the Inter-State Council held on 15.1.997, 10.5.1997, 17.6.1997